REMARKS

This is a full and timely response to the outstanding final Office Action mailed December 19, 2008. Through this response, claims 1, 3-5, 7-8, 11-13, 17-21, 23-24, 26, 28-30, 33, 35-39, 45, and 47 have been amended, claims 49-52 have been cancelled without prejudice, waiver, or disclaimer to pursue in a continuing application to be filed at a later date, and claims 53-58 have been added. Reconsideration and allowance of the application and pending claims are respectfully requested.

I. Claim Rejections - 35 U.S.C. § 102(e)

A. Statement of the Rejection

Claims 1-3, 5, 7-12, 14-17, 20-24, 26-28, 30-37, 39-40, and 43-48 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by ATI Multimedia Center 7, 9, User's Guide, Copyright (c) 2002, ATI Technologies Inc. ("*ATI*,"). Applicants respectfully submit that the rejection has been rendered moot. In addition, Applicants respectfully submit that the present claims are allowable over *ATI* for at least the reasons presented below.

B. Discussion of the Rejection

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(b).

In the present case, not every feature of the claims is represented in the *ATI* reference.

Independent Claim 1

Claim 1 recites (with emphasis added):

> 1. A method for determining the characteristics of a display device coupled to a network client device capable of receiving television (TV) signals, the network client device having video and audio output capabilities, said method comprising the steps of:
> driving a display device with a first video output signal formatted according to a first video interface specification;
> ***responsive to driving the display device, explicitly querying a user,*** the query configured to solicit a response from the user that corresponds to whether the user can presently observe information rendered on the display device, the information included in the first video output signal;
> determining a characteristic of the display device responsive to determining that the user can presently observe the information, the determination based on user input corresponding to the solicited response;
> ***driving the display device with a second video output signal and repeating the explicit query to the user responsive to determining that the user cannot presently observe the information.***

Applicants respectfully submit that the amendments to claim 1 have rendered the rejection moot. In addition, Applicants respectfully submit that independent claim 1 is allowable over *ATI* for at least the reason that *ATI* fails to disclose, teach, or suggest at least the above emphasized claim features. For instance, the Office Action (page 2) refers to page 8 for soliciting input, page 8 of *ATI* showing a passive display menu with various selections, none of which includes an ***explicit query*** to the user.

In addition, there is nothing in the pages 8-10 (cited on page 5 of the Office Action for similar features found in claim 11) that would suggest a driving of a second video out signal ***responsive to determining that the user cannot presently observe the information***. For at least these reasons, Applicants respectfully request that the rejection be withdrawn.

Because independent claim 1 is allowable over *ATI*, dependent claims 3-5, 7-8, 11-13, 17-21, 23-24, and 53 are allowable as a matter of law for at least the reason that the dependent claims

3-5, 7-8, 11-13, 17-21, and 23-24 contain all elements of their respective base claim. See, *e.g.*, *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Independent Claim 26

Claim 26 recites (with emphasis added):

> 26. A system for determining the characteristics of a display device, said system comprising:
> a memory with logic; and
> a processor configured with the logic to drive a display device with a first video output signal formatted according to a first video interface specification, wherein the processor is further configured with the logic to, responsive to driving the display device, ***query a user***, the query configured to solicit a response from the user that corresponds to whether the user can presently observe an object rendered on the display device, the object included in the first video output signal, wherein the processor is further configured with the logic to determine a characteristic of the display device responsive to determining that the user can presently observe the object, the determination based on user input corresponding to the solicited response, ***wherein the processor is further configured with the logic to effect driving the display device with a second video output signal and repeating the query to the user responsive to determining that the user cannot presently observe the object***.

Applicants respectfully submit that the amendments to claim 26 have rendered the rejection moot. In addition, Applicants respectfully submit that independent claim 26 is allowable over *ATI* for at least the reason that *ATI* fails to disclose, teach, or suggest at least the above emphasized claim features. For instance, the Office Action (page 2) refers to page 8 for soliciting input, page 8 of *ATI* showing a passive display menu with various selections, none of which includes a ***query*** to the user.

In addition, there is nothing in the pages 8-10 (cited on page 5 of the Office Action for similar features found in claim 11) that would suggest a driving of a second video out signal ***responsive to determining that the user cannot presently observe the object***. For at least these reasons, Applicants respectfully request that the rejection be withdrawn.

Because independent claim 26 is allowable over *ATI*, dependent claims 27-28, 30-37, 39-40, 43-48, and 54 are allowable as a matter of law.

II. Claim Rejections - 35 U.S.C. § 103(a)

A. Statement of the Rejection

Claims 4 and 29 have been rejected under 35 U.S.C. 103(a) as allegedly unpatentable over *ATI* in view of *Krane* (U.S. Pat. No. 5,799,063). Claims 25 and 41 have been rejected under 35 U.S.C. 103(a) as allegedly unpatentable over *ATI* in further view of *Rzeszewski et al.* ("Rzeszewski," U.S. Pat. No. 5,512,958). Applicants respectfully traverse these rejections to the extent not rendered moot by amendment.

B. Discussion of the Rejection

The U.S. Patent and Trademark Office ("USPTO") has the burden under section 103 to establish a *prima facie* case of obviousness according to the factual inquiries expressed in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). The four factual inquires, also expressed in MPEP 2100-116, are as follows:

(A) Determining the scope and contents of the prior art;

(B) Ascertaining the differences between the prior art and the claims in issue;

(C) Resolving the level of ordinary skill in the pertinent art; and

(D) Evaluating evidence of secondary considerations.

For a proper rejection of the claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements / features of the claim at issue. See, e.g., *In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988) and *In re Keller*, 208 U.S.P.Q.2d. 871, 881 (C.C.P.A. 1981).

Applicants respectfully submit that a *prima facie* case of obviousness is not established using the art of record.

Claims 4 and 29

The addition of *Krane* does not cure the deficiencies of *ATI* discussed above in connection with independent claims 1 and 26. For at least the reason that independent claims 1 and 26 are allowable over *ATI* in view of *Krane*, Applicants respectfully submit that claims 4 and 29 are allowable as a matter of law. Therefore, Applicants respectfully request that the rejection of claims 4 and 29 be withdrawn.

Claims 25 and 41

Claim 25 recites (with emphasis added):

> 25. A method for determining the characteristics of a display device coupled to a network client device, said method comprising the steps of:
> ***cycling through a plurality of video formats, each part of the cycle including a predetermined time duration***;
> outputting a video signal including pictures for each part of the cycle, wherein the pictures include at least one of graphics data and video data;
> processing the pictures for each video format for output to a display device;
> setting parameters of a video output port according to each video format;
> soliciting a user response for each video format, wherein the step of soliciting includes the step of presenting at least one of visible instructions and audible instructions to the user;
> determining at least one characteristic of the display device based on the user response, wherein the characteristic includes at least one of type of device, picture size, frame rate, scan format, color format, colorimetry, picture width-to-height aspect ratio, width-to-height aspect ratio of pixels, capability of providing ancillary data, manner of providing the ancillary data; and
> driving the display device according to at least one parameter of a received TV signal processed by the network client device according to the determined characteristic to present images on a display screen.

Applicants respectfully submit that independent claim 25 is allowable over *ATI* in view of *Rzeszewski* for at least the reason that *ATI* in view of *Rzeszewski* fails to disclose, teach, or suggest at least the above emphasized claim features. The Office Action (page 11) admits that *ATI* does not expressly disclose the above-emphasized features, but alleges that *Rzeszewski* does disclose these features. Applicants respectfully disagree. There is no indication in *Rzeszewski* that there is a cycling through ***plural video formats***. Indeed, plural compensation circuit selections are scanned, according to the section cited by the Office Action, which is not the same as cycling through ***plural video formats***. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Claim 41

The addition of *Rzeszewski* does not cure the deficiencies of *ATI* discussed above in connection with independent claim 26. For at least the reason that independent claim 26 is allowable over *ATI* in view of *Rzeszewski*, Applicants respectfully submit that claim 41 is allowable as a matter of law. Therefore, Applicants respectfully request that the rejection of claim 41 be withdrawn.

III. New Claims

Claims 53-58 have been added through this response. As to claims 53-54, for at least the reasons that respective independent claims 1 and 26 are allowable over the art of record, claims 53 and 54 are allowable as a matter of law.

In addition, claims 55-58 are allowable over the art of record for at least the reason that the art of record fails to disclose, teach, or suggest at least "outputting a first television signal to a display device, the first television signal comprising one or more pictures, wherein at least one

picture has a parameter configured with a first value; outputting a second television signal to the display device, the second television signal comprising one or more pictures, at least one picture having the parameter configured with a second value, the difference in parameter values resulting in a difference in visual appearance of the at least one picture corresponding to each of the first and second television signals; and soliciting one or more user inputs from a user, the solicitation intended to determine a user preference for the at least one picture corresponding to the first television signal or the second television signal." Accordingly, allowance of claims 53-58 are earnestly solicited.

CONCLUSION

Applicants respectfully submit that Applicants' pending claims are in condition for allowance. Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, and similarly interpreted statements, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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